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OFFICE OF PETITIONS

SD3, LLC
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In re Patent of Gass et al. :
Patent No. 7,610,836 :
Issue Date: November 3, 2009 :
Application No. 09/929,236 :
Filing Date: August 13, 2001 :
Attorney Docket No. STD 307 :

DECISION ON PETITION

This is a decision responding to the "Reply to a Decision Dismissing a Request for Recalculation of a Patent Term Adjustment in View of Wyeth" filed April 28, 2010, which is being treated as a petition under 37 C.F.R. § 1.181.

The petition is **granted**.

A "Request for Recalculation of Patent Term Adjustment in View of *Wyeth*" form was filed April 14, 2010. The Office issued a decision dismissing the request on April 22, 2010. The instant petition was filed April 28, 2010. The petition asserts the dismissal of the April 14, 2010 request was improper.

The Office has reviewed the record and determined the dismissal of the April 14, 2010 request was improper as alleged in the instant petition.

The decision mailed April 22, 2010, is withdrawn and a new decision responding to the April 14, 2010 request will be issued in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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